

EXHIBIT C

ARTICLE IX

Site Development Plan Review

1. Approval required; exceptions.

No site development plan approval shall be required for single structure one-family detached residences on a lot or for additions, alterations or structures accessory thereto. All other principal uses and all conditional and accessory uses shall require site development plan approval prior to the issuance of a building permit. No certificate of occupancy or certificate of use shall be issued unless all requirements of the site development plan approval have been fully met. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required. Where required, site plans shall be referred to the Rockland County Department of Planning and other agencies.

2. Objectives.

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare, the impact on the environment, the comfort and convenience of the public in general and of prospective occupants of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this local law and accomplish the following objectives in particular:

- A. Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and other similar safety considerations.
- B. Circulation and parking. Adequate off-street parking and loading spaces will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.
- C. Landscaping and screening. All recreation areas, parking and service areas will be reasonably screened or landscaped from the view of adjacent residential lots and streets at all seasons of the year. In addition, the Planning Board shall require such other landscaping and screening as may be required to protect the aesthetic environment of the surrounding properties and neighborhood.
- D. Compatibility. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.

- E. **Environment.** The design, layout and operational characteristics of the proposed use will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest extent possible, development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project.
 - F. **Development.** The site development plan elements, including buildings, parking, drainage, circulation, utilities, provision for emergency services, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use.
 - G. **Emergency services.** Adequate provision shall be made for emergency services, including but not limited to, fire, police, ambulance, and protection against environmental hazards, through placement of building, roadway access, building access, internal circulation, protective systems such as sprinklers or other appropriate measures as may be determined by the Planning Board.
- 3. Procedure.**
- A. **Preliminary site development plan review.**
 - 1. Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be obtained from the Planning Board. The applicant may, at its option, submit an informal plan for discussion prior to a formal application for preliminary site development plan review. The site development plan rules and regulations provide detailed specifications as to application materials and requirements. For purposes of an informal submission, the applicant should provide as much information as possible, keeping in mind the specific criteria required in the site development plan rules and regulations. The informal submission shall not constitute a formal application, and no approval can be granted based on it. At this time, the applicant should outline any modifications he is requesting from the requirements specified in the site development plan rules and regulations.
 - 2. The Planning Board will review the proposed plan and may grant informal concept approval with such conditions as are necessary to ensure conformity of said plans with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Airmont. In reviewing a site development plan application which has been granted a special permit by the Town or Village Board of Appeals, the Planning Board shall ensure conformity with any special requirements.

3. Application for preliminary site development plan review shall be made on forms prescribed by the Planning Board and shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Airmont. Such application shall be submitted to the Secretary to the Planning Board at least four (4) weeks prior to the Planning Board meeting at which review is sought. The Secretary shall determine if it is in the proper form and if so shall refer the application to such Village department, agencies and consultants as are necessary to evaluate the proposal and a consolidated report may be prepared for the Planning Board meeting. This report may be proposed by the Community Design Review Committee. Applications not complying with the requirements of the site development plan rules and regulations shall be rejected, in writing, within twenty-one (21) days after receipt of the application. A copy of such rejection shall be sent to the Planning Board.
4. Upon submission of a completed application, a public hearing on the preliminary site development plan shall be scheduled for the next available Planning Board meeting, but no later than 62 days following the submission of the completed application. Not less than ten (10) days prior to said public hearing, the applicant shall notify all owners of real property within five hundred (500) feet of the perimeter of the site, by certified mail, return receipt requested, of the date, time and place of such public hearing and shall place posters containing such information in visible locations on any public thoroughfare abutting the site at distances of two hundred (200) feet for a distance of five hundred (500) feet from the perimeter of the property. In addition, at least one such poster shall be posted on the site in a manner to be visible to the public. All such posters shall be removed from the site and from the public thoroughfares and returned to the Secretary to the Planning Board within twenty-four hours after the close of the public hearing to which they relate. Notice of such public hearing shall also be published in the official newspaper of the Village at least ten (10) days prior to the date of such hearing.
5. In the event that a conditional use approval is required, the Planning Board shall simultaneously consider both applications.
6. The Planning Board shall approve the preliminary site development plan application, approve it with modifications or deny the application within sixty (62) days after the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The Planning Board may impose such conditions as are necessary to ensure conformity with

the general and specific criteria set forth in this local law and in other applicable laws, rules and regulations of the Village. Approval of a preliminary site development plan application shall not vest any rights in the applicant and shall not preclude the Planning Board from denying or modifying the final site development plan submitted by the applicant.

B. Final site development plan review.

1. Notwithstanding the provisions of Section 7-725 of the Village Law of the State of New York, no application for final site development plan review shall be submitted by an applicant prior to approval or approval with modifications of a preliminary site development plan application for the site. The final site development plan application shall contain all modifications and conditions required by the Planning Board in its preliminary approval.
2. An application for the final site development plan review shall be made in the same manner as prescribed for preliminary approval as set forth in Section 3 hereinabove and in the site development plan rules and regulations. The Planning Board shall follow the same procedure in Section 4 hereinabove except that the Planning Board may waive the Public Hearing.

4. Signing and Filing.

Upon submission of the approved [final] site development plan with modifications required by the Planning Board in its [final] approval, and upon satisfaction of any conditions imposed in such approval, and after review by the appropriate Village departments, agencies and consultants, the Chairman of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector. No site plan shall be signed, however, until all public hearing posters have been returned to the Secretary to the Planning Board.

5. Amendments to approved plans.

An application for an amendment or revision of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the procedures set forth in Section 3 and 4 of this Article. All applications shall be accompanied by fees as set forth in the Fee Schedule of the Village of Airmont.

6. Site improvements.

- A. The Planning Board shall require that on or off-site improvements be installed, including but not limited to on or off-site drainage systems to ensure that all drainage, storm runoff and sub-surface waters are carried into approved watercourses and drainage systems. The Planning Board shall further require

that all such on or off-site improvements and/or drainage systems be installed on property granted to the Village in fee, easement or otherwise, as determined by the Planning Board.

- B. No certificate of occupancy or use shall be issued for the site until all the improvements shown on the site development plan, including off-site improvements, have been duly installed and approved and all easements and property interests granted or offered for dedication.
 - C. A partial and/or temporary certificate of occupancy or use for periods of ninety (90) days, but not more than one (1) year in the aggregate, for a building or structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit or Letter of Credit to ensure and guarantee the completion of the improvements. The Building Inspector shall determine the amount of such cash deposit or Letter of Credit.
 - D. The site shall be developed in strict conformity with the approved site development plan except that a field change may be approved by the Building Inspector or other appropriate Village inspection agency, upon request of the applicant in writing (see definition of "field change"). No field change shall be valid unless approved by the chairman of the Planning Board or in his absence, by the Vice Chairman and a copy of the requested change has been filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five (5) days of such approval.
- 7. Site maintenance.**
It shall be the duty of every property owner to maintain his/her property in conformity with the approved site development plan. Failure to do so shall constitute a violation of this local law.
- 8. Expiration of site plan approval.**
A. Final Site development plan approval shall expire five (5) years from the date of the signing of said plan by the Chairman of the Planning Board unless certificates of occupancy for all structures and for the site have been issued by the Building Inspector. An application for an extension of said five (5) year period may be made to the Planning Board not earlier than six (6) months prior to said expiration date. Upon good cause shown, the Planning Board may, in its discretion, grant a reasonable extension of time for completion of all on and off-site improvements.